

10/528982

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC17 Rec'd PCT/PTO 23 MAR 2005

Applicants: Chen et al.

Serial No. To be Assigned

Filed:

For: OPTHALIC COMPOSITIONS FOR TREATING
OCULAR HYPERTENSION

Art Unit: To be Assigned

Examiner: To be Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: 
 Attorney For Applicant(s)

Reg. No. 36,436

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-4909

Date: March 23, 2005

21281YSP

[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	9.	PCT	WO 89/10757	A1	Leo Pharmaceutical Products, LTD.	11/16/1998
	10.	PCT	WO 94/28900	A1	Vide Pharmaceutical	12/22/1994
	11.	PCT	WO 96/33719	A1	Allergan	10/31/1996
	12.	PCT	WO 02/24647	A2	Ono Pharmaceutical Co., Ltd.	03/28/2002
	13.	PCT	WO 94/13275	A1	Massachusetts Eye and Ear Infirmary	06/23/1994
	14.	PCT	WO 02/42268	A2	Pfizer Products Inc.	05/30/2002
	15.	PCT	WO 01/70702	A1	Alcon University Ltd.	09/27/2001
	16.	PCT	WO 01/46140	A1	Pfizer Products Inc.	06/28/2001
	17.	PCT	WO 01/72268	A1	Toray Industries	10/04/2001
	18.	EP	EP 1 114816	A1	Ono Pharmaceutical Co., Ltd.	09/10/1999

Date
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SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETE IF KNOWN		
			Application Number	To be Assigned 10/528982	
			Filing Date		
			First Named Inventor	Chen et al.	
			Group Art Unit	To be Assigned	
			Examiner Name	To be Assigned	
Sheet	3	of	3	Attorney Docket Number	21281YSP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	S.	Harman et al., "Development and Aging of Cell Topography in the Human Retinal Pigment Epithelium", 1997, pp. 2016-2026, Vol. 38, Investigative Ophthalmology & Visual Science.
	T.	Berge et al., "Pharmaceutical Salts", 1977, pp. 1-19, Vol. 66, Journal of Pharmaceutical Sciences.
	U.	Hanner et al., "The β Subunit of High Conductance Calcium-Activated Potassium Channel", 1998 pp. 16283-16296, Vol. 273, J. Biol. Chem.
	V.	Vasallo et al., "Expression of Na,K-ATPase Alpha Subunit Isoforms in the Human Ciliary Body and Cultured Ciliary Epithelial Cells", 1989, pp. 243-252, Vol. 141, Journal of Cellular Physiology.
	W.	Ero et al., "New Antifungal 1,2,4-Triazoles with Difluoro (heteroaryl) methyl Moiety", 2000, pp. 982-990, Vol. 48, Chem. Pharm. Bull.
	X.	Y. Hirai et al., Japan Patent 89-207208 (Chemical Abstract, 1990 112, 32154a).
	Y.	T. Morie et al., "Convenient Synthesis of N-(2,2-Dimethyl-1,3-Dioxan-5-YL)-1H-Indazole-3-Carboxamide, the Intermediate of 5-HT ₃ Receptor Antagonist", 1997, pp. 559-566, Vol. 27 (4), Synthetic Communications.
	Z.	T. Yoshida et al., "Practical Synthesis of 1H-INDazole-3-Carboxylic Acid and its Derivatives", 1996, pp. 2701-2712, Vol. 27 (4), Heterocycles.
	AA.	Beilstein Registry No. 91608, XP-002275106.
	BB.	Beilstein Registry No. 144953, XP-002275105.
	CC.	Beilstein Registry No. 888594, XP-002275104.
	DD.	Beilstein Registry No. 224495, XP-002275107.

Examiner Signature		Date Considered	
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